

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **April 9, 2002**

AGENDA ITEM NO.: 11

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Subdivision Plat, Street Dedication and Name Request – *Old Crest at Liberty Mountain Subdivision*, Off Candler's Mountain Road**

RECOMMENDATION: Approval of resolution to approve the street dedication and name.

SUMMARY:

The Emergency Communications Administrator, Traffic Engineer, Fire Marshal and Lynchburg Post Office Customer Services Manager had no objection to "Old Crest Way" as the street name for the proposed new public street.

PRIOR ACTION(S):

March 27, 2002: Planning Commission (PC) recommended approval
Planning Division recommended approval

FISCAL IMPACT: N/A

CONTACT(S):

Rachel Flynn/847-1508, ext. 253
Annette Chenault/847-1508, ext. 258

ATTACHMENT(S):

- Resolution
- PC Report
- PC Minutes
- Maps Showing Old Crest at Liberty Mountain Proposed Public Street: "Old Crest Way"

REVIEWED BY:

RESOLUTION

A RESOLUTION APPROVING A STREET DEDICATION AND NAMING THE NEW STREET.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG, that approval is given for the dedication of a street shown on a plat entitled "Old Crest at Liberty Mountain" made by Acres of Virginia, Inc. dated October 15, 2001, to be constructed in compliance with the above referenced plat, and the same is hereby, approved and accepted contingent upon obtaining construction bonds, the recordation of an executed subdivision plat and the construction of the street in accordance with City standards.

BE IT FURTHER RESOLVED That the name "Old Crest Way" is hereby approved for the new public street in the Old Crest at Liberty Mountain Subdivision.

Adopted:

Certified:

Clerk of Council

077L

To: Planning Commission
From: Planning Division
Date: March 27, 2002
RE: STREET DEDICATION AND NAMING REQUEST – OLD CREST AT LIBERTY MOUNTAIN, OFF
CANDLER’S MOUNTAIN ROAD

SYNOPSIS Bostic Brothers Construction, Inc., contract purchaser, is requesting approval of the street dedication and naming for the proposed *Old Crest at Liberty Mountain* which would subdivide 21.497 acres into two lots. The subdivision would be served by a new public street that would be named “Old Crest Way.” The new street would also serve a 280-unit apartment complex that is currently under construction in Campbell County.

SUMMARY

The Technical Review Committee reviewed the conceptual subdivision plat and found that it meets all of the major Subdivision Ordinance requirements.

The Emergency Communications Administrator, the Traffic Engineer, the Fire Marshal and the Lynchburg Post Office Customer Services Manager had no objection to “Old Crest Way” as the street name for the proposed new public street.

Planning Division recommends approval of the street dedication and street naming.

REQUIRED ACTION

Consideration of the Planning Division's recommendation

BACKGROUND

Mr. Thomas C. Brooks, Sr., Acres of Virginia, Inc., represents the contract purchaser. The subject tract of land contains a total of 21.497 acres within the City of Lynchburg. A 0.672-acre parcel would be subdivided out of the total tract and combined with a 22.708-acre tract in Campbell County. The proposed street “Old Crest Way” would be constructed in the City of Lynchburg on the 0.672-acre parcel.

The property was zoned B-3 (Conditional) by City Council on November 8, 1988. The proffers that were applied to the B-3 (C) area were as follows:

1. “The site shall be developed substantially in accordance with the conceptual site plan. The area where no buildings are shown on the site plan shall be restricted to those uses permitted in a B-3 zoning district in the City of Lynchburg except as provided in these proffers.”
2. “The property shall be used only for a full service retirement community consisting of no more than 1850 independent living units and a 250-bed health care facility. All such development plans are dependent upon consumer demand for the living units.”
3. “The commercial portions of the retirement community shall be restricted to two or three ‘commons’ buildings similar to the one shown on the site plan.”
4. “Fifty percent of the subject property (plus or minus 10%) shall remain undeveloped and existing vegetation shall remain undisturbed because of the steepness of the terrain and to preserve the natural beauty of the site.”

The proffered site plan showed the area where the proposed street is to be built to be left vacant. The proposed street “Old Crest Way” would also serve a future subdivision of property within the City limits.

City water and sewer services are proposed to serve the development in Campbell County. Utilities are proposed to be underground.

The Emergency Communications Administrator, the Traffic Engineer, the Fire Marshal and the Lynchburg Post Office Customer Services Manager have no objection to “Old Crest Way” as the street name for the proposed public street.

The Subdivision Ordinance requires Planning Commission and City Council review and approval because the subdivision proposes the dedication of a new street and a new street name.

TECHNICAL REVIEW COMMITTEE COMMENTS

On March 5 the Technical Review Committee (TRC) reviewed a conceptual subdivision plat for the subject property. The TRC noted the need for several revisions, most of which are minor in nature and which are expected to be resolved by the petitioner prior to the approval of a final subdivision plat. The TRC made the following comment of significance to the consideration of the requested subdivision:

"The entire site was approved for rezoning with site plan by City Council on November 8, 1988 by Ordinance #0-88-300. Any changes to the site plan has to be approved by the City Planner's Office."

PLANNING DIVISION RECOMMENDATION

Based on the preceding information and analysis, the Planning Division recommends the following:

That the Planning Commission recommends to City Council approval of the public street and naming of "Old Crest Way," as shown on a plat entitled *Old Crest at Liberty Mountain*, by Acres of Virginia, Inc., dated October 15, 2001 to create two lots totaling 21.497 acres, including the dedication of right-of-way 50 feet in width for the proposed public street to be constructed in substantial compliance with the conceptual subdivision plat. The acceptance of "Old Crest Way" as a public street is contingent on Bostic Brothers Construction, Inc., filing a properly executed subdivision plat to be recorded among the land records in the Office of the Clerk of the Circuit Court; the filing of approved street and utility plans and the necessary construction bonds with the City; and the construction of the street in accordance with City standards. The failure to fully comply with these conditions shall render the City's acceptance of "Old Crest Way" as a public street null and void.

This matter is hereby offered for your consideration.

William K. McDonald, AICP
Acting City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development
Mr. Bruce A. McNabb, Director of Public Works
Mr. John W. Jennings, Fire Marshal
Ms. J. Lee Newland, City Engineer
Mr. Gerry L. Harter, Traffic Engineer
Mr. Karl Cooler, Building Official
Mr. Arthur L. Tolley, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Mr. Thomas C. Brooks, Sr., Representative

MINUTES FROM THE MARCH 27, 2002 PLANNING COMMISSION MEETING

Bostic Brothers Construction, Inc., contract purchaser, is requesting approval of the street dedication and naming for the proposed *Old Crest at Liberty Mountain* which would subdivide 21.497 acres into two lots. The subdivision would be served by a new public street that would be named "Old Crest Way." The new street would also serve a 280-unit apartment complex that is currently under construction in Campbell County.

Mr. Thomas Brooks, Sr., Acres of Virginia, represented the petitioner in this request. Mr. Brooks explained that this was the entrance into the property from Candler's Mt. Road, and added that, at a later date, they would utilize this street for the development of a couple of lots into the City. He said the advantages to the City of Lynchburg would be the amount of water and sewage they would be selling to Campbell County. He said they would use that portion of the street to access a subdivision and cut off a couple of lots into Liberty University property.

Commissioner Pulliam voiced his concern that the name Candler's Mountain is, in a round about way, being changed to Liberty Mountain.

After further discussion the following motion was made by Commissioner Wilkins, and seconded by Commissioner Flint and passed by the following vote:

"That the Planning Commission recommends to City Council approval of the public street and naming of *Old Crest at Liberty Mountain*, by Acres of Virginia, Inc., dated October 15, 2001 to create two lots totaling 21.497 acres, including the dedication of right-of-way 50 feet in width for the proposed public street to be constructed in substantial compliance with the conceptual subdivision plat. The acceptance of "Old Crest Way" as a public street is contingent on Bostic Brothers Construction, Inc., filing a properly executed subdivision plat to be recorded among the land records in the Office of the Clerk of the Circuit Court; the filing of approved street and utility plans and the necessary construction bonds with the City; and the construction of the street in accordance with City standards. The failure to fully comply with these conditions shall render the City's acceptance of "Old Crest Way" as a

AYES:	Dahlgren, Echols, Flint, Moore, Pulliam, Wilkins, Worthington	7
NOES:		0
ABSTENTIONS:		0